

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on June 2, 2009.

Mayor David W. Cline presided and called the meeting to order at 6:34 p.m.

Mayor Cline led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, Absent Commissioner Tim Gover, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor David Cline.

Also physically present were City personnel: City Administrator Alan Gilmore, Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, Police Chief David Griffith, Community Development Coordinator Kyle Gill, and City Clerk Susan O'Brien.

Mayor Cline seconded by Commissioner Ervin moved to approve the consent agenda consisting of minutes of the regular meeting May 19, 2009; payroll and bills for the last half of May, 2009.

Bills and payroll for the last of May, 2009

General Fund

Payroll		\$ 288,256.61
Bills		<u>\$ 133,452.01</u>
	Total	\$ 421,708.62

Hotel Tax Fund

Payroll		\$ 1,846.71
Bills		<u>\$ 758.34</u>
	Total	\$ 6,187.64

Festival Management

Bills		<u>\$ 165.59</u>
	Total	\$ 165.59

**Insurance & Tort
Judgment**

Bills		<u>\$ 174,892.25</u>
	Total	\$ 174,892.25

Midtown TIF Fund

Bills		<u>\$ 331.18</u>
	Total	\$ 331.18

Capital Project Fund

Bills		<u>\$ 1,848.68</u>
	Total	\$ 1,848.68

Water Fund

Payroll		\$ 28,828.80
Bills		<u>\$ 87,446.38</u>
		\$ 116,275.18
	Total	

Sewer Fund

Payroll		\$ 29,480.56
Bills		<u>\$ 14,439.61</u>
	Total	\$ 43,920.17

Cemetery Fund

Payroll		\$ 5,489.38
Bills		<u>\$ 150.28</u>
	Total	\$ 5,639.66

Health Insurance

Bills		\$ 81,011.14
		\$ 81,011.14
	Total	

Motor Fuel Fund

Bills		\$ 1,914.00
		\$ 1,914.00
	Total	

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Ervin, Absent Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline opened the floor for public discussion.

Dr. Robert Webb spoke on behalf of his friends, Don and Jane Perry who reside at 2214 Western Avenue, by requesting the City to take measures to have the dilapidated church (2201 Western Avenue), and abandoned apartment building (2215 Western Avenue) compliant with City code; notify the neighborhood of action taken; and advise those neighbors how they can assist the City. Coordinator Gill stated the apartment building had been issued over 12 violations with a hearing on June 22nd and the church was to be cited in the near future. Mrs. Jackie Record also stated concern for the properties. Attorney Owen explained the legal process. Mr. Don Perry stated his opinion on the properties.

Mayor Cline requested discussion on items not on the agenda. Mr. Harold Burwell inquired on the sidewalk bricks. Commissioner Ervin and Commissioner Rankin offered suggestions for the bricks. Director Wortman stated he would contact Gavin Historic Bricks.

Mr. Terry Tomer reiterated his request to allow public comment after Council's debate of each motion. Commissioner Ervin and Commissioner Rankin offered suggestions on the meeting's debate process.

Mr. Herb Meeker of the Journal Gazette offered to work with the City in notifying the public of nuisance properties.

Mayor Cline opened the floor for discussion on agenda items. Mr. Brad Metcalf requested consideration of additional sites (#4), having a later drawing time. (#5), restricting drawings to local residents, drawing separate for youth hunting seasons, altering the use of unattended blinds for anyone's use (#11), and allowing written permission to be posted at the site. Commissioner Rankin stated the applicants were to be addressed in an amended version of the rules. Council discussed rule updates as possibility for next year.

Ms. Jennifer Keller inquired as to the auction of City property at Lake Paradise, requested an opportunity for Douglas Hart Nature Center to purchase land, and appealed for the City to retain some control over the development process. Commissioner Ervin commented on property and placement of rules. Director Wortman stated restrictions within deeds and plat containing five acres. Attorney & Treasurer Owen stated restrictions and no re-subdividing of tracks were to be contained in covenants.

Mayor Cline seconded by Commissioner Ervin moved to adopt Special Ordinance 2009-1341, approving the rezoning of 9001 North County Road 870 East; Mattoon, Illinois from Rural Suburban (R-S) to Industrial (I). Howell Asphalt Company, James M. Kohlmann and Maria Horvat - Petitioners.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009-1341**

ORDINANCE TO APPROVE PETITION FOR REZONING

WHEREAS, a Petition for Rezoning was filed with the City Clerk for the City of Mattoon by HOWELL ASPHALT COMPANY and JAMES M. KOHLMANN and MARIA HORVAT on the 29th day of April, 2009 requesting that the City of Mattoon, Illinois rezone from Suburban District (RS) to Industrial District (I) the real estate described as follows:

THAT PART OF THE EAST HALF (E1/2) OF THE SOUTHEAST QUARTER (SE1/4) SECTION 4, TOWNSHIP 12 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING SOUTH OF THE CENTERLINE OF RILEY CREEK, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN EXISTING MONUMENT VAULT IN THE ILLINOIS ROUTE 316 PAVEMENT MARKING THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 12 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE ON AZIMUTH FROM ASSUMED NORTH 26°35'42" 1323.41 FEET ALONG THE SOUTH LINE OF THE E1/2 OF THE SE1/4 OF SAID SECTION 4 TO AN EXISTING NAIL MARKING THE SOUTHWEST CORNER OF SAID E1/2; THENCE AZIMUTH 0°20'29" 1072.12 FEET ALONG THE WEST LINE OF SAID E1/2 TO THE EXISTING CENTERLINE OF RILEY CREEK; THENCE AZIMUTH 98°23'53" 25.12 FEET ALONG SAID CENTERLINE; THENCE AZIMUTH 113°23'48" 121.66 FEET ALONG SAID CENTERLINE; THENCE ALONG SAID CENTERLINE BEING A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 115.23 FEET AN ARC DISTANCE OF 289.13 FEET, SAID ARC BEING SUBTENDED BY A CHORD OF AZIMUTH 75°48'01" 219.04 FEET; THENCE AZIMUTH 163°5'12" 76.04 FEET ALONG SAID CENTERLINE; THENCE AZIMUTH 74°39'16" 156.40 FEET ALONG SAID CENTERLINE; THENCE AZIMUTH 102°03'48" 54.02 FEET ALONG SAID CENTERLINE; THENCE ALONG SAID CENTERLINE BEING A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 70.07 FEET AN ARC DISTANCE OF 124.54 FEET,

SAID ARC BEING SUBTENDED BY A CHORD OF AZIMUTH 67°50'48" 108.78 FEET; THENCE AZIMUTH 343°47'18" 42.21 FEET ALONG SAID CENTERLINE; THENCE AZIMUTH 343°5'44" 35.16 FEET ALONG SAID CENTERLINE; THENCE AZIMUTH 38°45'23" 32.93 FEET ALONG SAID CENTERLINE; THENCE AZIMUTH 252°1'35" 135.67 FEET ALONG SAID CENTERLINE; THENCE AZIMUTH 62°26'59" 138.33 FEET ALONG SAID CENTERLINE; THENCE AZIMUTH 51°13'36" 67.31 FEET ALONG SAID CENTERLINE; THENCE AZIMUTH 73°09'20" 106.50 FEET ALONG SAID CENTERLINE; THENCE AZIMUTH 52°09'59" 70.37 FEET ALONG SAID CENTERLINE; THENCE AZIMUTH 74°43'14" 240.61 FEET ALONG SAID CENTERLINE TO THE EAST LINE OF SAID SECTION 4; THENCE AZIMUTH 180°19'46" 1669.83 FEET ALONG THE EAST LINE OF SAID SECTION 4 TO THE POINT OF BEGINNING, CONTAINING 39.720 ACRES OF WHICH 1.477 ACRES LIE WITHIN THE EXISTING RIGHT-OF-WAY OF S.B.I. ROUTE 16 (ILLINOIS ROUTE 316) AND THE PUBLIC TOWNSHIP ROADS ON THE SOUTH AND WEST SIDES, SITUATED IN LAFAYETTE TOWNSHIP, COLES COUNTY, ILLINOIS.

Also known as 9001 N Co. Rd. 870E; Mattoon, Illinois.

WHEREAS, a public hearing was held before the Zoning Board of Appeals for the City of Mattoon on the 19th day of May, 2009 pursuant to published notice;

WHEREAS, the Zoning Board of Appeals forwarded the report of the public hearing to the Mattoon Planning Commission;

WHEREAS, said Mattoon Planning Commission considered said Petition for Rezoning and recommended the Petition for Rezoning to the Zoning Board of Appeals and the City Council of the City of Mattoon;

WHEREAS, said Zoning Board of Appeals considered said Petition for Rezoning and recommended that said Petition for Rezoning be approved;

WHEREAS, the City Council believes that said Petitioner for Rezoning should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

It is hereby determined and found by the City Council of the City of Mattoon, Illinois and corporate authorities of said City of Mattoon that the Petition for Rezoning submitted by HOWELL ASPHALT COMPANY and JAMES M. KOHLMANN and MARIA HORVAT is in compliance with Ordinance No. 96-4835 and is hereby approved and that the premises described in said Petition for Rezoning shall henceforth be zoned as Industrial District (I).

Upon motion by Mayor Cline, seconded by Commissioner Ervin, adopted this 2nd day of June, 2009, by a roll call vote as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner Rankin, Mayor Cline

NAYS (Names): None

ABSENT (Names): Commissioner Gover

APPROVED this 2nd day of June, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on June 3, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, Absent Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Ervin moved to approve Council Decision Request 2009-970, approving and adopting the Lake Mattoon Waterfowl Hunting Rules as amended.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, Absent Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Rankin moved to approve Council Decision Request 2009-971, approving the proposed street improvement projects to be funded by American Recovery and Reinvestment Act (ARRA); and authorizing the submittal of the projects to Illinois Department of Transportation (IDOT).

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, Absent Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Ervin moved to approve Council Decision Request 2009-972, amending the budget in the amount of \$10,000 to purchase park equipment for a match donation from the Mattoon Kiwanis Club.

Mayor Cline opened the floor for questions or comments. After Commissioner Rankin thanked the Kiwanis Club for the donation, Director Wortman explained the Kiwanis Club's previous donations of time and consideration of Peterson Park or Lawson Park for additional equipment.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, Absent Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Hall moved to adopt Resolution 2009-2778, declaring certain land at Lake Paradise as surplus; and authorizing an auction of said property.

**CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2009-2778**

**A RESOLUTION DECLARING CERTAIN LAND LOCATED
EAST OF LAKE PARADISE AS SURPLUS AND
AUTHORIZING THE AUCTION OF SAID PROPERTY**

WHEREAS, the City of Mattoon owns land around Lake Paradise; and

WHEREAS, 37.69 acres of land east of Lake Paradise and west of Lake Road has been surveyed and is described in the attached Plat of Survey; and

WHEREAS, the 37.69 acres are not necessary to the City of Mattoon for the City's water supply; and

WHEREAS, the 37.69 acres are in the watershed of Lake Paradise and therefore it is in the City's interest to limit any possible impacts from development by restricting the lot size to a minimum of five acres with one residence per lot; and

WHEREAS, the management staff believe it is prudent that, given those restrictions, the land be sold and the proceeds be used in the Water Fund to pay for future capital projects and offset some of the need for future rate increases.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to procedures prescribed by state statute (65 ILCS 5/11-76-4.1), a finding is hereby made by the City Council that the real estate described in the attached Plat of Survey is no longer necessary or required for the use of the municipality.

Section 2. The management staff of the municipality is hereby authorized to arrange to have an auction of the property and is hereby authorized to accept the highest reasonable bid at that auction.

Section 3. The City Attorney is authorized to draft and the Mayor and City Clerk are authorized and directed to execute any documents necessary to affect the closing of the sale of this property.

Section 4. The city clerk is directed to publish a copy of this resolution at the first opportunity following its adoption and approval by the City Council.

Upon motion by Commissioner Rankin , seconded by Commissioner Hall, adopted this 2nd day of June, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
 Commissioner Rankin, Mayor Cline

NAYS (Names): None

ABSENT (Names): Commissioner Gover

Approved this 2nd day of June, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on June 3, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, Absent Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to adopt Special Ordinance 2009-1342, establishing the 2009/2010 Compensation Plan for certain employees of the municipality not covered by collective bargaining agreements.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009-1342**

**AN ORDINANCE ESTABLISHING THE 2009 - 2010 COMPENSATION PLAN FOR THE NON-MANAGERIAL
EMPLOYEES OF THE MUNICIPALITY**

WHEREAS, negotiations have resulted in ratified agreements with the three collective bargaining agents that represent employees of the municipality that provide an average of three percent (3%) pay increases at the beginning of each fiscal year beginning May 1, 2006 and ending April 30, 2010; and

WHEREAS, each of these collective bargaining agreements provide that City Council will amend its ordinances consistent with terms of the collective bargaining agreements; and

WHEREAS, the time is now appropriate to also establish rates of pay for the non-managerial employees not represented by a collective bargaining agreement effective with the fiscal year that begins May 1, 2009.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Non-Managerial, Non-Confidential & FLSA Exempt Employees shall be compensated in accordance with the schedule attached to this ordinance and marked Appendix A, which is consistent with the salary increases contained in the City's current collective bargaining agreements. Employees assigned to positions identified on the Schedule of Confidential & FLSA Exempt Supervisory & Management Positions shall receive an average salary increase of 3% as outlined in Appendix B effective May 1, 2009.

Section 2. To the extent this ordinance conflicts with prior ordinances establishing a compensation plan for the City's employees, the prior ordinances shall control except where specifically amended by this ordinance.

Section 3. This ordinance specifically does not apply to the management personnel of the City. The managerial personnel not covered by this ordinance are the City Clerk, City Administrator, City Attorney & Treasurer, Director of Information Technology, Community Development Coordinator, Police Chief, Deputy Police Chiefs, Fire Chief, Assistant Fire Chief, Public Works Director, Public Works Superintendent, Street Superintendent, Water & Sewer Superintendent, Lakes & Parks Superintendent, Tourism Director, Water Plant Superintendent and Wastewater Plant Superintendent.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.
Upon motion by Mayor Cline, seconded by Commissioner Ervin, adopted this 2nd day of June, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner Rankin, Mayor Cline

NAYS (Names): None

ABSENT (Names): Commissioner Gover

Approved this 2nd day of June, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on June 3, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, Absent Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to adopt Resolution 2009-2779, approving and adopting an Identity Theft Prevention Program; and delegating program administration to the City Treasurer.

**CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2009-2779**

**RESOLUTION APPROVING AND ADOPTING AN IDENTITY THEFT
PREVENTION PROGRAM AND DELEGATING PROGRAM
ADMINISTRATION TO THE CITY TREASURER**

WHEREAS, the City of Mattoon, Illinois, is a non-home rule city providing fire protection services, police protection services, water and sewer utility service, and a variety of other services to its residents: and

WHEREAS, the City of Mattoon believes that the protection of the dignity, financial safety and privacy of its residents are one of its highest priorities, and

WHEREAS, The Fair and Accurate Credit Transactions Act of 2003, Pub.L.108-159 ("Red Flags Rule") requires certain financial institutions and creditors with "covered accounts" to prepare, adopt, and implement an identity theft prevention program to identify, detect, respond to and mitigate patterns, practices or specific activities which could indicate identity theft; and

WHEREAS, the City of Mattoon maintains certain continuing accounts with customers which involve multiple payments or transactions, and such accounts are "covered accounts" within the meaning of the Red Flags Rule; and

WHEREAS, to comply with the Red Flags Rule, City staff have prepared the attached Identity Theft Prevention Program which is incorporated herein by this reference and have recommended that the Program now be approved and adopted by the City Council for implementation;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Mattoon, Illinois, as follows:

Section 1. The attached Identity Theft Prevention Program is hereby approved and adopted effective the date set forth below.

Section 2. The City Treasurer is hereby authorized and directed to implement the Identity Theft Prevention Program in accordance with its terms.

Upon motion by Mayor Cline, seconded by Commissioner Ervin, adopted this 2nd day of June, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall
 Commissioner Rankin, Mayor Cline
NAYS (Names): None
ABSENT (Names): Commissioner Gover

Approved this 2nd day of June, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on June 3, 2009.

Mayor Cline opened the floor for questions or comments. Attorney & Treasurer Owen stated the rules were mandatory pursuant to federal regulations.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, Absent Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to recess to closed session at 7:22 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)).

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, Absent Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Council reconvened at 8:43 p.m.

Commissioner Ervin seconded by Commissioner Rankin moved to adjourned at 8:44 p.m.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, Absent Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

/s/ Susan J. O'Brien
City Clerk